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AMENDED IN ASSEMBLY APRIL 29, 2013
AMENDED IN ASSEMBLY APRIL 17, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 538

Introduced by Assembly Member Pan

February 20, 2013

An act to amend Sections 26384, 26405, 27600, 28000, 28160, 28210, and 28215 of, and to add Sections 26620, 27620, and 31835 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 538, as amended, Pan. Firearms.

(1) Existing law, subject to specified exceptions, makes it a crime to openly carry an exposed, unloaded handgun outside a vehicle in specified public places. Existing law exempts from this crime, in part, the open carrying of an unloaded handgun at an auction or similar event for a nonprofit public benefit or mutual benefit corporation, if the handgun is to be auctioned or sold for the nonprofit public benefit or mutual benefit corporation, and the handgun is delivered by a person licensed by existing law.

This bill would make technical, nonsubstantive changes to these provisions.

(2) Existing law, subject to specified exceptions, including use by a member of a club or organization organized for the purpose of practicing shooting at targets upon established target ranges while the members are using handguns upon the target ranges or incident to the use of a firearm that is not a handgun at that target range, makes it a crime for

a person to carry an unloaded firearm that is not a handgun outside a vehicle while in an incorporated city or city and county.

This bill would clarify that the exception applies to members of a shooting organization while the members are using firearms that are not handguns upon the target ranges and would make additional technical changes.

(3) Existing law prohibits a person from selling, leasing, or transferring a firearm unless the person is issued a license. Existing law provides for specified exemptions to that licensing requirement, including the sale, delivery, or transfer of a firearm by a law enforcement agency to a peace officer or retiring peace officer, as specified.

This bill would also exempt from the licensing requirement the sale, delivery, or transfer of a firearm if made by an authorized law enforcement representative of a city, county, city and county, or of the state or federal government, to a licensed firearms dealer, a wholesaler, or a licensed manufacturer or importer of firearms or ammunition, if *certain* specified requirements are met. *If the authorized law enforcement representative sells, delivers, or transfers a firearm to a licensed firearms dealer, the bill would require the governmental agency to enter a record of the delivery into the Automated Firearms Systems (AFS) via the California Law Enforcement Telecommunications System (CLETS) within 10 days.*

(4) Existing law imposes various other restrictions on the sale, delivery, or transfer of firearms. Existing law excludes from those provisions the sale, delivery, or transfer of firearms made to an authorized law enforcement representative of a city, county, city and county, or of the state or federal government for exclusive use by that governmental agency, if certain conditions are met. Existing law provides that within 10 days of the date a firearm is acquired by the agency, a record shall be entered as an institutional weapon into the ~~Automated Firearms System (AFS)~~ *AFS* via the ~~California Law Enforcement Telecommunications System (CLETS)~~ *CLETS*.

This bill would require an agency that subsequently destroys that weapon to enter information that the weapon has been destroyed into the AFS via the CLETS within 10 days of destruction.

(5) Existing law provides that when neither party to a firearms transaction holds a dealer's license, the parties to the transaction are required to complete the sale, loan, or transfer of that firearm through a firearms dealer, except as specified.

This bill would exclude from those provisions the sale, delivery, or transfer of a firearm if made by an authorized law enforcement representative of a city, county, city and county, or of the state or federal government if certain *specified* conditions are met, including that the sale, delivery, or transfer is made to ~~a licensed firearms dealer~~, a wholesaler, or a licensed manufacturer, or importer of firearms or ammunition. *The bill would require the agency to enter a record of the delivery into the AFS via the CLETS within 10 days.*

(6) Existing law requires the register or record of an electronic or telephonic transfer of a firearm to include specified information, including information on certain waiting period exemptions, including a dealer waiting period exemption, and requires the firearms dealer to record on the register or record the date that the firearm is delivered. A violation of those provisions is a misdemeanor.

This bill instead would require the register or record to include any applicable waiting period exemption information. By expanding the scope of a crime, the bill would impose a state-mandated local program. The bill would also require the register or record to include a statement that the Department of Justice shall furnish the purchaser with any information reported to the department relating to the purchaser's ownership of the firearm, that the purchaser is entitled to file a report of his or her acquisition of the firearm, and of instructions for accessing the department's Internet Web site for more information. The bill would require the firearms dealer to record his or her signature indicating delivery of the firearm, and would require the purchaser to sign the register or record on the date that the firearm is delivered to the purchaser.

(7) Existing law requires the purchaser of a firearm to present evidence to the dealer of the person's identity and age, and requires the transaction to be recorded by the dealer in a register or record of telephonic or electronic transfer. Existing law requires a dealer, upon request only, to provide a copy of the register or record of the transaction to the purchaser, and, for a private party transaction, requires the dealer, upon request, to provide the seller or purchaser with a copy of the register or record, as specified.

This bill instead would require the dealer to provide a copy of those documents to the purchaser at the time of delivery of the firearm after the dealer notes the date of delivery *and the dealer's signature indicating delivery of the firearm*, and the dealer and purchaser acknowledge the receipt of the firearm. The bill, for private party transactions, would

require the dealer to provide a copy of the register or record to the seller at the time that the register or record is signed by the seller.

(8) Existing law prohibits a person from purchasing or receiving a handgun, except an antique firearm, without a valid handgun safety certificate, and further prohibits a person from selling, delivering, loaning, or transferring a handgun to a person who does not possess a valid handgun safety certificate, except as specified.

This bill would exclude the sale, delivery, or transfer of a firearm by an authorized law enforcement representative of a city, county, city and county, or of the state or federal government if certain conditions are met, including that the sale, delivery, or transfer is made to one of specified persons and entities.

(9) The bill would make conforming changes.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 26384 of the Penal Code is amended to
- 2 read:
- 3 26384. Paragraph (1) of subdivision (a) of Section 26350 does
- 4 not apply to, or affect, the open carrying of an unloaded handgun
- 5 if all of the following conditions are satisfied:
- 6 (a) The open carrying occurs at an auction or similar event of
- 7 a nonprofit public benefit or mutual benefit corporation, at which
- 8 firearms are auctioned or otherwise sold to fund the activities of
- 9 that corporation or the local chapters of that corporation.
- 10 (b) The unloaded handgun is to be auctioned or otherwise sold
- 11 for that nonprofit public benefit or mutual benefit corporation.
- 12 (c) The unloaded handgun is to be delivered by a person licensed
- 13 pursuant to, and operating in accordance with, Sections 26700 to
- 14 26915, inclusive.
- 15 SEC. 2. Section 26405 of the Penal Code is amended to read:

1 26405. Section 26400 does not apply to, or affect, the carrying
2 of an unloaded firearm that is not a handgun in any of the following
3 circumstances:

4 (a) By a person when carried within a place of business, a place
5 of residence, or on private real property, if that person, by virtue
6 of subdivision (a) of Section 25605, may carry a firearm within
7 that place of business, place of residence, or on that private real
8 property owned or lawfully occupied by that person.

9 (b) By a person when carried within a place of business, a place
10 of residence, or on private real property, if done with the
11 permission of a person who, by virtue of subdivision (a) of Section
12 25605, may carry a firearm within that place of business, place of
13 residence, or on that private real property owned or lawfully
14 occupied by that person.

15 (c) When the firearm is either in a locked container or encased
16 and it is being transported directly between places where a person
17 is not prohibited from possessing that firearm and the course of
18 travel shall include only those deviations between authorized
19 locations as are reasonably necessary under the circumstances.

20 (d) If the person possessing the firearm reasonably believes that
21 he or she is in grave danger because of circumstances forming the
22 basis of a current restraining order issued by a court against another
23 person or persons who has or have been found to pose a threat to
24 his or her life or safety. This subdivision may not apply when the
25 circumstances involve a mutual restraining order issued pursuant
26 to Division 10 (commencing with Section 6200) of the Family
27 Code absent a factual finding of a specific threat to the person's
28 life or safety. Upon a trial for violating Section 26400, the trier of
29 fact shall determine whether the defendant was acting out of a
30 reasonable belief that he or she was in grave danger.

31 (e) By a peace officer or an honorably retired peace officer if
32 that officer may carry a concealed firearm pursuant to Article 2
33 (commencing with Section 25450) of Chapter 2, or a loaded firearm
34 pursuant to Article 3 (commencing with Section 25900) of Chapter
35 3.

36 (f) By a person to the extent that person may openly carry a
37 loaded firearm that is not a handgun pursuant to Article 4
38 (commencing with Section 26000) of Chapter 3.

39 (g) As merchandise by a person who is engaged in the business
40 of manufacturing, importing, wholesaling, repairing, or dealing in

1 firearms and who is licensed to engage in that business, or the
2 authorized representative or authorized agent of that person, while
3 engaged in the lawful course of the business.

4 (h) By a duly authorized military or civil organization, or the
5 members thereof, while parading or while rehearsing or practicing
6 parading, when at the meeting place of the organization.

7 (i) By a member of a club or organization organized for the
8 purpose of practicing shooting at targets upon established target
9 ranges, whether public or private, while the members are using
10 firearms that are not handguns upon the target ranges or incident
11 to the use of a firearm that is not a handgun at that target range.

12 (j) By a licensed hunter while engaged in hunting or while
13 transporting that firearm when going to or returning from that
14 hunting expedition.

15 (k) Incident to transportation of a handgun by a person operating
16 a licensed common carrier, or by an authorized agent or employee
17 thereof, when transported in conformance with applicable federal
18 law.

19 (l) By a member of an organization chartered by the Congress
20 of the United States or a nonprofit mutual or public benefit
21 corporation organized and recognized as a nonprofit tax-exempt
22 organization by the Internal Revenue Service while on official
23 parade duty or ceremonial occasions of that organization or while
24 rehearsing or practicing for official parade duty or ceremonial
25 occasions.

26 (m) Within a gun show conducted pursuant to Article 1
27 (commencing with Section 27200) and Article 2 (commencing
28 with Section 27300) of Chapter 3 of Division 6.

29 (n) Within a school zone, as defined in Section 626.9, with the
30 written permission of the school district superintendent, the
31 superintendent's designee, or equivalent school authority.

32 (o) When in accordance with the provisions of Section 171b.

33 (p) By a person while engaged in the act of making or attempting
34 to make a lawful arrest.

35 (q) By a person engaged in firearms-related activities, while on
36 the premises of a fixed place of business that is licensed to conduct
37 and conducts, as a regular course of its business, activities related
38 to the sale, making, repair, transfer, pawn, or the use of firearms,
39 or related to firearms training.

1 (r) By an authorized participant in, or an authorized employee
2 or agent of a supplier of firearms for, a motion picture, television,
3 or video production or entertainment event, when the participant
4 lawfully uses that firearm as part of that production or event, as
5 part of rehearsing or practicing for participation in that production
6 or event, or while the participant or authorized employee or agent
7 is at that production or event, or rehearsal or practice for that
8 production or event.

9 (s) Incident to obtaining an identification number or mark
10 assigned for that firearm from the Department of Justice pursuant
11 to Section 23910.

12 (t) At an established public target range while the person is
13 using that firearm upon that target range.

14 (u) By a person when that person is summoned by a peace
15 officer to assist in making arrests or preserving the peace, while
16 the person is actually engaged in assisting that officer.

17 (v) Incident to any of the following:

18 (1) Complying with Section 27560 or 27565, as it pertains to
19 that firearm.

20 (2) Section 28000, as it pertains to that firearm.

21 (3) Section 27850 or 31725, as it pertains to that firearm.

22 (4) Complying with Section 27870 or 27875, as it pertains to
23 that firearm.

24 (5) Complying with Section 27915, 27920, or 27925, as it
25 pertains to that firearm.

26 (w) Incident to, and in the course and scope of, training of, or
27 by an individual to become a sworn peace officer as part of a course
28 of study approved by the Commission on Peace Officer Standards
29 and Training.

30 (x) Incident to, and in the course and scope of, training of, or
31 by an individual to become licensed pursuant to Chapter 4
32 (commencing with Section 26150) as part of a course of study
33 necessary or authorized by the person authorized to issue the
34 license pursuant to that chapter.

35 (y) Incident to and at the request of a sheriff, chief, or other
36 head of a municipal police department.

37 (z) If all of the following conditions are satisfied:

38 (1) The open carrying occurs at an auction or similar event of
39 a nonprofit public benefit or mutual benefit corporation at which

1 firearms are auctioned or otherwise sold to fund the activities of
2 that corporation or the local chapters of that corporation.

3 (2) The unloaded firearm that is not a handgun is to be auctioned
4 or otherwise sold for that nonprofit public benefit or mutual benefit
5 corporation.

6 (3) The unloaded firearm that is not a handgun is to be delivered
7 by a person licensed pursuant to, and operating in accordance with,
8 Sections 26700 to 26915, inclusive.

9 (aa) Pursuant to paragraph (3) of subdivision (b) of Section
10 171c.

11 (ab) Pursuant to Section 171d.

12 (ac) Pursuant to subparagraph (F) of paragraph (1) of subdivision
13 (c) of Section 171.7.

14 (ad) On publicly owned land, if the possession and use of an
15 unloaded firearm that is not a handgun is specifically permitted
16 by the managing agency of the land and the person carrying that
17 firearm is in lawful possession of that firearm.

18 (ae) By any of the following:

19 (1) The carrying of an unloaded firearm that is not a handgun
20 that is regulated pursuant to Chapter 1 (commencing with Section
21 18710) of Division 5 of Title 2 by a person who holds a permit
22 issued pursuant to Article 3 (commencing with Section 18900) of
23 that chapter, if the carrying of that firearm is conducted in
24 accordance with the terms and conditions of the permit.

25 (2) The carrying of an unloaded firearm that is not a handgun
26 that is regulated pursuant to Chapter 2 (commencing with Section
27 30500) of Division 10 by a person who holds a permit issued
28 pursuant to Section 31005, if the carrying of that firearm is
29 conducted in accordance with the terms and conditions of the
30 permit.

31 (3) The carrying of an unloaded firearm that is not a handgun
32 that is regulated pursuant to Chapter 6 (commencing with Section
33 32610) of Division 10 by a person who holds a permit issued
34 pursuant to Section 32650, if the carrying of that firearm is
35 conducted in accordance with the terms and conditions of the
36 permit.

37 (4) The carrying of an unloaded firearm that is not a handgun
38 that is regulated pursuant to Article 2 (commencing with Section
39 33300) of Chapter 8 of Division 10 by a person who holds a permit
40 issued pursuant to Section 33300, if the carrying of that firearm is

1 conducted in accordance with the terms and conditions of the
2 permit.

3 (af) By a licensed hunter while actually engaged in training a
4 dog for the purpose of using the dog in hunting that is not
5 prohibited by law, or while transporting the firearm while going
6 to or returning from that training.

7 (ag) Pursuant to the provisions of subdivision (d) of Section
8 171.5.

9 (ah) By a person who is engaged in the business of
10 manufacturing ammunition and who is licensed to engage in that
11 business, or the authorized representative or authorized agent of
12 that person, while the firearm is being used in the lawful course
13 and scope of the licensee's activities as a person licensed pursuant
14 to Chapter 44 (commencing with Section 921) of Title 18 of the
15 United States Code and regulations issued pursuant thereto.

16 (ai) On the navigable waters of this state that are held in public
17 trust, if the possession and use of an unloaded firearm that is not
18 a handgun is not prohibited by the managing agency thereof and
19 the person carrying the firearm is in lawful possession of the
20 firearm.

21 SEC. 3. Section 26620 is added to the Penal Code, to read:

22 26620. Section 26500 does not apply to the sale, delivery, or
23 transfer of a firearm when made by an authorized law enforcement
24 representative of a city, county, city and county, or of the state or
25 federal government, if ~~both~~ *all* of the following requirements are
26 met:

27 (a) The sale, delivery, or transfer is made to one of the following:

28 (1) A person licensed pursuant to Sections 26700 to 26915,
29 inclusive.

30 (2) A wholesaler.

31 (3) A manufacturer or importer of firearms or ammunition
32 licensed to engage in that business pursuant to Chapter 44
33 (commencing with Section 921) of Title 18 of the United States
34 Code and the regulations issued pursuant thereto.

35 (b) The sale, delivery, or transfer of the firearm is not subject
36 to the procedures set forth in Section 18000, 18005, 34000, or
37 34005.

38 (c) *If the authorized law enforcement representative sells,*
39 *delivers, or transfers a firearm that the governmental agency owns*
40 *to a person licensed pursuant to Sections 26700 to 26915, inclusive,*

1 *within 10 days of the date that the firearm is delivered to that*
2 *licensee pursuant to this section by that agency, the agency has*
3 *entered a record of the delivery into the Automated Firearms*
4 *System (AFS) via the California Law Enforcement*
5 *Telecommunications System (CLETS). Any agency without access*
6 *to the AFS shall arrange with the sheriff of the county in which*
7 *the agency is located to input this information via this system.*

8 SEC. 4. Section 27600 of the Penal Code is amended to read:

9 27600. (a) Article 1 (commencing with Section 27500) does
10 not apply to any sale, delivery, or transfer of firearms made to an
11 authorized law enforcement representative of any city, county,
12 city and county, or state, or of the federal government, for exclusive
13 use by that governmental agency if, prior to the sale, delivery, or
14 transfer of these firearms, written authorization from the head of
15 the agency authorizing the transaction is presented to the person
16 from whom the purchase, delivery, or transfer is being made.

17 (b) Proper written authorization is defined as verifiable written
18 certification from the head of the agency by which the purchaser
19 or transferee is employed, identifying the employee as an individual
20 authorized to conduct the transaction, and authorizing the
21 transaction for the exclusive use of the agency by which that person
22 is employed.

23 (c) Within 10 days of the date a firearm is acquired by the
24 agency, a record of the same shall be entered as an institutional
25 weapon into the Automated Firearms System (AFS) via the
26 California Law Enforcement Telecommunications System
27 (CLETS) by the law enforcement or state agency. Any agency
28 without access to the AFS shall arrange with the sheriff of the
29 county in which the agency is located to input this information via
30 this system.

31 (d) Any agency that is the registered owner of an institutional
32 weapon in accordance with subdivision (c) that subsequently
33 destroys that weapon shall enter information that the weapon has
34 been destroyed into the Automated Firearms System (AFS) via
35 the California Law Enforcement Telecommunications System
36 (CLETS) within 10 days of the destruction in accordance with
37 procedures prescribed by the Department of Justice. Any agency
38 without access to the AFS shall arrange with the sheriff of the
39 county in which the agency is located to input this information via
40 this system.

1 SEC. 5. Section 27620 is added to the Penal Code, to read:

2 27620. Section 27545 does not apply to the sale, delivery, or
3 transfer of a firearm when made by an authorized law enforcement
4 representative of a city, county, city and county, or of the state or
5 federal government, if all of the following conditions are met:

6 (a) The sale, delivery, or transfer is made to one of the following:

7 ~~(1) A person licensed pursuant to Sections 26700 to 26915,~~
8 ~~inclusive.~~

9 ~~(2)~~

10 (1) A wholesaler.

11 ~~(3)~~

12 (2) A manufacturer or importer of firearms or ammunition
13 licensed to engage in that business pursuant to Chapter 44
14 (commencing with Section 921) of Title 18 of the United States
15 Code and the regulations issued pursuant thereto.

16 (b) The sale, delivery, or transfer of the firearm is not subject
17 to the procedures set forth in Section 18000, 18005, 34000, or
18 34005.

19 ~~(c) (1) Except as provided in paragraph (2), if the sale, delivery,~~
20 ~~or transfer is of a handgun, on the date that the handgun is delivered~~
21 ~~pursuant to this subdivision, by the agency, a record of the delivery~~
22 ~~has been entered into the Automated Firearms System (AFS) via~~
23 ~~the California Law Enforcement Telecommunications System~~
24 ~~(CLETS) by the law enforcement or state agency. Those agencies~~
25 ~~without access to the AFS shall arrange with the sheriff of the~~
26 ~~county in which the agency is located to input this information via~~
27 ~~this system.~~

28 ~~(2) If the firearm was initially registered with the Department~~
29 ~~of Justice by the agency as an institutional weapon or otherwise,~~
30 ~~on the date that the weapon is delivered pursuant to this section~~
31 ~~by the agency, a record of the delivery has been entered into the~~
32 ~~AFS via the CLETS by the law enforcement or state agency. Those~~
33 ~~agencies without access to the AFS shall arrange with the sheriff~~
34 ~~of the county in which the agency is located to input this~~
35 ~~information via this system.~~

36 *(c) Within 10 days of the date that any firearm is delivered*
37 *pursuant to this section, the governmental agency has entered a*
38 *record of the delivery into the Automated Firearms System (AFS)*
39 *via the California Law Enforcement Telecommunications System*
40 *(CLETS). Any agency without access to the AFS shall arrange*

1 *with the sheriff of the county in which the agency is located to*
2 *input this information via this system.*

3 SEC. 6. Section 28000 of the Penal Code is amended to read:

4 28000. A person who is exempt from Section 27545 or is
5 otherwise not required by law to report acquisition, ownership,
6 destruction, or disposal of a firearm, or who moves out of this state
7 with the person's firearm, may report that information to the
8 Department of Justice in a format prescribed by the department.

9 SEC. 7. Section 28160 of the Penal Code is amended to read:

10 28160. (a) For all firearms, the register or record of electronic
11 transfer shall include all of the following information:

12 (1) The date and time of sale.

13 (2) The make of firearm.

14 (3) Peace officer exemption status pursuant to the provisions
15 listed in subdivision (c) of Section 16585, and the agency name.

16 (4) Any applicable waiting period exemption information.

17 (5) California Firearms Dealer number issued pursuant to Article
18 1 (commencing with Section 26700) of Chapter 2.

19 (6) For transactions occurring on or after January 1, 2003, the
20 purchaser's handgun safety certificate number issued pursuant to
21 Article 2 (commencing with Section 31610) of Chapter 4 of
22 Division 10 of this title, or pursuant to former Article 8
23 (commencing with Section 12800) of Chapter 6 of Title 2 of Part
24 4, as that article read at any time from when it became operative
25 on January 1, 2003, to when it was repealed by the Deadly
26 Weapons Recodification Act of 2010.

27 (7) Manufacturer's name if stamped on the firearm.

28 (8) Model name or number, if stamped on the firearm.

29 (9) Serial number, if applicable.

30 (10) Other number, if more than one serial number is stamped
31 on the firearm.

32 (11) Any identification number or mark assigned to the firearm
33 pursuant to Section 23910.

34 (12) If the firearm is not a handgun and does not have a serial
35 number, identification number, or mark assigned to it, a notation
36 as to that fact.

37 (13) Caliber.

38 (14) Type of firearm.

39 (15) If the firearm is new or used.

40 (16) Barrel length.

- 1 (17) Color of the firearm.
- 2 (18) Full name of purchaser.
- 3 (19) Purchaser's complete date of birth.
- 4 (20) Purchaser's local address.
- 5 (21) If current address is temporary, complete permanent address
- 6 of purchaser.
- 7 (22) Identification of purchaser.
- 8 (23) Purchaser's place of birth (state or country).
- 9 (24) Purchaser's complete telephone number.
- 10 (25) Purchaser's occupation.
- 11 (26) Purchaser's gender.
- 12 (27) Purchaser's physical description.
- 13 (28) All legal names and aliases ever used by the purchaser.
- 14 (29) Yes or no answer to questions that prohibit purchase,
- 15 including, but not limited to, conviction of a felony as described
- 16 in Chapter 2 (commencing with Section 29800) or an offense
- 17 described in Chapter 3 (commencing with Section 29900) of
- 18 Division 9 of this title, the purchaser's status as a person described
- 19 in Section 8100 of the Welfare and Institutions Code, whether the
- 20 purchaser is a person who has been adjudicated by a court to be a
- 21 danger to others or found not guilty by reason of insanity, and
- 22 whether the purchaser is a person who has been found incompetent
- 23 to stand trial or placed under conservatorship by a court pursuant
- 24 to Section 8103 of the Welfare and Institutions Code.
- 25 (30) Signature of purchaser.
- 26 (31) Signature of salesperson, as a witness to the purchaser's
- 27 signature.
- 28 (32) Salesperson's certificate of eligibility number, if the
- 29 salesperson has obtained a certificate of eligibility.
- 30 (33) Name and complete address of the dealer or firm selling
- 31 the firearm as shown on the dealer's license.
- 32 (34) The establishment number, if assigned.
- 33 (35) The dealer's complete business telephone number.
- 34 (36) Any information required by Chapter 5 (commencing with
- 35 Section 28050).
- 36 (37) Any information required to determine whether subdivision
- 37 (f) of Section 27540 applies.
- 38 (38) A statement of the penalties for signing a fictitious name
- 39 or address, knowingly furnishing any incorrect information, or

1 knowingly omitting any information required to be provided for
2 the register.

3 (39) A statement informing the purchaser, after his or her
4 ownership of a firearm, of all of the following:

5 (A) Upon his or her application, the Department of Justice shall
6 furnish him or her any information reported to the department as
7 it relates to his or her ownership of that firearm.

8 (B) The purchaser is entitled to file a report of his or her
9 acquisition, disposition, or ownership of a firearm with the
10 department pursuant to Section 28000.

11 (C) Instructions for accessing the department's Internet Web
12 site for more information.

13 (b) The purchaser shall provide the purchaser's right thumbprint
14 on the register in a manner prescribed by the department. No
15 exception to this requirement shall be permitted except by
16 regulations adopted by the department.

17 (c) The firearms dealer shall record on the register or record of
18 electronic transfer the date that the firearm is delivered, together
19 with the firearm dealer's signature indicating delivery of the
20 firearm.

21 (d) The purchaser shall sign the register or the record of
22 electronic transfer on the date that the firearm is delivered to him
23 or her.

24 SEC. 8. Section 28210 of the Penal Code is amended to read:

25 28210. (a) (1) Where the register is used, the purchaser of
26 any firearm shall be required to present to the dealer clear evidence
27 of the person's identity and age.

28 (2) The dealer shall require the purchaser to sign the purchaser's
29 current legal name and affix the purchaser's residence address and
30 date of birth to the register in quadruplicate.

31 (3) The salesperson shall sign the register in quadruplicate, as
32 a witness to the signature and identification of the purchaser.

33 (b) Any person furnishing a fictitious name or address,
34 knowingly furnishing any incorrect information, or knowingly
35 omitting any information required to be provided for the register
36 shall be punished as provided in Section 28250.

37 (c) (1) The original of the register shall be retained by the dealer
38 in consecutive order.

1 (2) Each book of 50 originals shall become the permanent
2 register of transactions, which shall be retained for not less than
3 three years from the date of the last transaction.

4 (3) Upon presentation of proper identification, the permanent
5 register of transactions shall be available for inspection by any
6 peace officer, Department of Justice employee designated by the
7 Attorney General, or agent of the federal Bureau of Alcohol,
8 Tobacco, Firearms and Explosives. Until January 1, 2014, no
9 information shall be compiled therefrom regarding the purchasers
10 or other transferees of firearms that are not handguns.

11 (d) On the date of the application to purchase, two copies of the
12 original sheet of the register shall be placed in the mail, postage
13 prepaid, and properly addressed to the Department of Justice.

14 (e) (1) A photocopy of the register shall be provided to the
15 purchaser by the dealer at the time of delivery of the firearm and
16 after the dealer notes the date of delivery *and the dealer's signature*
17 *indicating delivery of the firearm*, and the purchaser acknowledges
18 the receipt of the firearm.

19 (2) The requirements of this subdivision apply if a dealer is
20 delivering a firearm pursuant to Section 27540 or Chapter 5
21 (commencing with Section 28050).

22 (f) If the transaction is a private party transfer conducted
23 pursuant to Chapter 5 (commencing with Section 28050), a
24 photocopy of the original shall be provided to the seller by the
25 dealer at the time the register is signed by the seller. The dealer
26 shall redact all of the purchaser's personal information, as required
27 pursuant to subdivision (a) of Section 28160 and subdivision (a)
28 of Section 28165, from the seller's copy, and the seller's personal
29 information from the purchaser's copy.

30 SEC. 9. Section 28215 of the Penal Code is amended to read:

31 28215. (a) (1) Where the electronic or telephonic transfer of
32 applicant information is used, the purchaser shall be required to
33 present to the dealer clear evidence of the person's identity and
34 age.

35 (2) The dealer shall require the purchaser to sign the purchaser's
36 current legal name to the record of electronic or telephonic transfer.

37 (3) The salesperson shall sign the record of electronic or
38 telephonic transfer, as a witness to the signature and identification
39 of the purchaser.

1 (b) Any person furnishing a fictitious name or address,
2 knowingly furnishing any incorrect information, or knowingly
3 omitting any information required to be provided for the electronic
4 or telephonic transfer shall be punished as provided in Section
5 28250.

6 (c) (1) The original of each record of electronic or telephonic
7 transfer shall be retained by the dealer in consecutive order.

8 (2) Each original shall become the permanent record of the
9 transaction, which shall be retained for not less than three years
10 from the date of the last transaction.

11 (3) Upon presentation of proper identification, the permanent
12 record of the transaction shall be provided for inspection by any
13 peace officer, Department of Justice employee designated by the
14 Attorney General, or agent of the federal Bureau of Alcohol,
15 Tobacco, Firearms and Explosives.

16 (d) On the date of the application to purchase, the record of
17 applicant information shall be transmitted to the Department of
18 Justice by electronic or telephonic transfer.

19 (e) (1) A copy of the record of electronic or telephonic transfer
20 shall be provided to the purchaser by the dealer at the time of
21 delivery of the firearm and after the dealer notes the date of
22 delivery *and the dealer's signature indicating delivery of the*
23 *firearm*, and the purchaser acknowledges the receipt of the firearm.

24 (2) The requirements of this subdivision apply if a dealer is
25 delivering a firearm pursuant to Section 27540 or Chapter 5
26 (commencing with Section 28050).

27 (f) If the transaction is a private party transfer conducted
28 pursuant to Chapter 5 (commencing with Section 28050), a copy
29 shall be provided to the seller by the dealer at the time the record
30 of electronic or telephonic transfer is signed by the seller. The
31 dealer shall redact all of the purchaser's personal information, as
32 required pursuant to subdivision (a) of Section 28160 and
33 subdivision (a) of Section 28165, from the seller's copy, and the
34 seller's personal information from the purchaser's copy.

35 SEC. 10. Section 31835 is added to the Penal Code, to read:

36 31835. Subdivision (a) of Section 31615 does not apply to the
37 delivery, sale, or transfer of firearms when made by authorized
38 law enforcement representatives for cities, counties, cities and
39 counties, or of the state or federal government, if all of the
40 following conditions are met:

1 (a) The sale, delivery, or transfer is made to one of the persons
2 or entities identified in subdivision (a) of Section 26620.

3 (b) The sale, delivery, or transfer of the firearm is not subject
4 to the procedures set forth in Section 18000, 18005, 34000, or
5 34005.

6 (c) The sale, delivery, or transfer of the firearm follows the
7 procedures set forth in subdivision (c) of Section 26620.

8 SEC. 11. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

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